

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

BOBBY JO KISSEL

Date of Original Judgment: 3/5/2020
(Or Date of Last Amended Judgment)

) **AMENDED JUDGMENT IN A CRIMINAL CASE**

) Case Number: 3:18-cr-00066-HDM-WGC-2

) USM Number: 54990-048

) Janice Anne Hubbard, CJA

) Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) Count One of single count Superseding Information filed 9/11/2019
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 4	Misprision of a Felony	7/23/2018	One

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/5/2021

Date of Imposition of Judgment

Howard D. McKibben
Signature of Judge

HOWARD D. McKIBBEN, Senior U.S. District Judge

Name and Title of Judge

January 5, 2021
Date

DEFENDANT: BOBBY JO KISSEL
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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of (*)**TIME SERVED**.

(*) The court makes the following recommendations to the Bureau of Prisons:

___ The defendant is remanded to the custody of the United States Marshal.

___ The defendant shall surrender to the United States Marshal for this district:

___ at _____ a.m. ___ p.m. on

___ as notified by the United States Marshal.

(*) The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

___ as notified by the United States Marshal.

___ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: BOBBY JO KISSEL
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SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of **One (1) year**.

(*) Pursuant to the Order for Sentence Reduction Under 18 U.S.C. § 3582(c)(1)(A) (COMPASSIONATE RELEASE) entered 1/5/2021, the defendant's previously imposed sentence of imprisonment is reduced to TIME SERVED, followed by a special term of supervised release for a period of six months, in lieu of the current prison sentence, pursuant to the provisions of 18 U.S.C. § 3582(c)(1)(A). The originally imposed twelve months of supervised release will commence upon expiration of the six-month special term of supervised release.

(*) All conditions of the original term of supervised release will remain the same. The conditions of the special term of supervised release will include all of those applicable to the original term, in addition to the special condition of Home Confinement with Location Monitoring as set forth on page 5 of this Amended Judgment.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. " 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, or are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchukus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office User Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's signature _____

Date _____

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SPECIAL CONDITIONS OF SUPERVISION

1. Substance Abuse Treatment - You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You may be required to contribute to the costs of the program based on your ability to pay.
2. Mental Health Treatment - You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You may be required to contribute to the costs of the program, based upon your ability to pay.
3. No Alcohol - You must not use or possess alcohol.
4. Search and Seizure - You shall submit to the search of your person, property, residence, or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release, based upon reasonable suspicion of evidence of a crime or contraband or a violation of supervision.
- (*)5. Home Confinement with Location Monitoring - You will be monitored by the form of location monitoring technology at the discretion of the probation officer for a period of six (6) months, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program based upon your ability to pay.

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer (**Home Detention**).

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

Assessment **Restitution** **Fine** **AVAA Assessment*** **JVTA Assessment****

\$100.00

Due and payable immediately.

___ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

___ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee **Total Loss***** **Restitution Ordered** **Priority or Percentage**

Clerk, U.S. District Court
Attn: Financial Officer
Case No. 3:18-cr-00066-HDM-WGC-2
333 Las Vegas Boulevard, South
Las Vegas, NV 89101

TOTALS \$ _____ \$ _____

___ Restitution amount ordered pursuant to plea agreement \$ _____

___ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

___ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

___ the interest requirement is waived for the ___ fine ___ restitution.

___ the interest requirement for the ___ fine ___ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$100.00 due and payable immediately, balance due
 ___ not later than _____, or
 ___ in accordance with _____ C, ___ D, ___ E, or ___ F below; or
- B ___ Payment to begin immediately (may be combined with _____ C, ___ D, or ___ F below); or
- C ___ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments
 of \$ _____ over a period of _____ (e.g., months or years), to
 commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ___ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments
 of \$ _____ over a period of _____ (e.g., months or years), to
 commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of
 supervision; or
- E ___ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60
 days) after release from imprisonment. The court will set the payment plan based on an assessment of the
 defendant's ability to pay at that time; or
- F ___ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

___ Joint and Several

Case Number	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
Defendant and Co-Defendant Names (including defendant number)			

___ The defendant shall pay the cost of prosecution.

___ The defendant shall pay the following court cost(s):

X The defendant shall forfeit the defendant's interest in the following property to the United States:
See attached Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

1 NICHOLAS A. TRUTANICH
 2 United States Attorney
 3 District of Nevada
 4 Nevada Bar Number 13644
 5 DANIEL D. HOLLINGSWORTH
 6 Assistant United States Attorney
 7 Nevada State Bar No. 1925
 8 501 Las Vegas Boulevard South, Suite 1100
 9 Las Vegas, Nevada 89101
 10 (702) 388-6336
 11 Daniel.Hollingsworth@usdoj.gov
 12 *Attorneys for the United States*

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 11 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

10 UNITED STATES DISTRICT COURT
 11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,) 3:18-CR-066-HDM-WGC
13 Plaintiff,) <i>and ORDER</i>
14 v.) Stipulation for Entry of Order of
15 JAMES "JIMMY" EVANS, Sr., and) Forfeiture as to Bobby Jo Kissel and
16 BOBBY JO KISSEL,) Order
17 Defendants.)

18 The United States of America and Bobby Jo Kissel, and her counsel, Janice
 19 Hubbard, agree as follows:

20 1. The Grand Jury sitting in Las Vegas, Nevada returned a Ten-Count
 21 Indictment against James "Jimmy" Evans, Sr., and Bobby Jo Kissel for violations of 21
 22 U.S.C. § 841(a)(1) and 18 U.S.C. §§ 922(g)(1), 922(j), and 924(c)(1)(A). Indictment, ECF
 23 No. 1.

24 2. Bobby Jo Kissel knowingly and voluntarily agrees to the abandonment, the
 25 civil administrative forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the
 26 following property:

- 27 1. \$8,180 in United States currency;
- 28 2. \$870 in United States currency;

- 1 3. a Smith & Wesson model 3906 semi-automatic 9 millimeter handgun
- 2 bearing serial number TDL0848;
- 3 4. a black assault rifle with no serial number found in the garage at 900
- 4 Capitol Hill Avenue, Reno, Nevada, on July 23, 2018;
- 5 5. a Beretta model 21-A .22 caliber pistol bearing serial number
- 6 DAA020899;
- 7 6. a Smith & Wesson .357 revolver bearing serial number 67K0919; and
- 8 7. any and all ammunition
- 9 (all of which constitutes property).

10 3. Bobby Jo Kissel admits the property is (1) any property, real or personal,
 11 which constitutes or is derived from proceeds traceable to violations of 21 U.S.C. §
 12 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and
 13 1961(1)(D), or a conspiracy to commit such offense; (2) any property constituting, or
 14 derived from, any proceeds obtained, directly or indirectly, as the result of violations of 21
 15 U.S.C. § 841(a)(1); (3) any property used, or intended to be used, in any manner or part, to
 16 commit, or to facilitate the commission of violations of 21 U.S.C. § 841(a)(1); (4) all
 17 moneys, negotiable instruments, securities, or other things of value furnished or intended to
 18 be furnished in exchange for a controlled substance or listed chemical in violation of 21
 19 U.S.C. § 841(a)(1), all proceeds traceable to such an exchange, and all moneys, negotiable
 20 instruments, and securities used or intended to be used to facilitate any violation of 21
 21 U.S.C. § 841(a)(1); (5) any firearm or ammunition involved in or used in any knowing
 22 violation of 18 U.S.C. §§ 922(g)(1), 922(j), and 924(c)(1)(A), or any violation of any other
 23 criminal law of the United States, 21 U.S.C. § 841(a)(1); (6) any firearm or ammunition
 24 intended to be used in any offense punishable under the Controlled Substances Act, 21
 25 U.S.C. § 841(a)(1); and (7) any firearm used or intended to be used to facilitate the
 26 transportation, sale, receipt, possession, or concealment of property in violations of 21
 27 U.S.C. § 841(a)(1), and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28
 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1) and 853(a)(2); 21 U.S.C. § 881(a)(6) with 28 U.S.C.

1 § 2461(c); 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1), (2)(C), and
2 (3)(B) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c).

3 4. Bobby Jo Kissel knowingly and voluntarily agrees to abandon or to forfeit the
4 property to the United States.

5 5. Bobby Jo Kissel knowingly and voluntarily agrees to relinquish all possessory
6 rights, ownership rights, and all rights, titles, and interests in the property.

7 6. Bobby Jo Kissel knowingly and voluntarily agrees to waive her right to any
8 abandonment proceedings, any civil administrative forfeiture proceedings, any civil judicial
9 forfeiture proceedings, or any criminal forfeiture proceedings (all of which constitutes
10 proceedings) of the property.

11 7. Bobby Jo Kissel knowingly and voluntarily agrees to waive service of process
12 of any and all documents filed in this action or any proceedings concerning the property.

13 8. Bobby Jo Kissel knowingly and voluntarily agrees to waive any further notice
14 to her, her agents, or her attorneys regarding the forfeiture and disposition of the property.

15 9. Bobby Jo Kissel knowingly and voluntarily agrees not to file any claim,
16 answer, petition, or other documents in any proceedings concerning the property; agrees not
17 to contest, or to assist any other person or entity in contesting, the forfeiture; and agrees to
18 withdraw immediately any claim, answer, petition, or other documents in any proceedings.

19 10. Bobby Jo Kissel knowingly and voluntarily agrees to waive the statute of
20 limitations, the CAFRA requirements, Fed. R. Crim. P. 7, 11, 32.2, and 43(a), the
21 constitutional requirements, and the constitutional due process requirements of any
22 abandonment proceedings or any forfeiture proceedings concerning the property.

23 11. Bobby Jo Kissel knowingly and voluntarily agrees to waive her right to a trial
24 or hearing on the forfeiture of the property.

25 12. Bobby Jo Kissel knowingly and voluntarily agrees to waive all constitutional,
26 legal, and equitable defenses to the forfeiture or abandonment of the property in any
27 proceedings, including, but not limited to, (1) constitutional or statutory double jeopardy
28 defenses and (2) defenses under the Excessive Fines or Cruel and Unusual Punishments

1 Clauses of the Eighth Amendment to the United States Constitution in any proceedings
2 concerning the property.

3 13. Bobby Jo Kissel knowingly and voluntarily agrees to the entry of an Order of
4 Forfeiture of the property to the United States.

5 14. Bobby Jo Kissel agrees the property is forfeited to the United States.

6 15. Bobby Jo Kissel understands that the forfeiture of the property shall not be
7 treated as satisfaction of any assessment, restitution, fine, cost of imprisonment or any other
8 penalty that may be imposed in addition to forfeiture.

9 16. Bobby Jo Kissel knowingly and voluntarily agrees to the conditions set forth
10 in this Stipulation for Entry of Order of Forfeiture as to Bobby Jo Kissel and Order
11 (Stipulation).

12 17. Bobby Jo Kissel knowingly and voluntarily agrees to hold harmless the
13 United States, the United States Department of Justice, the United States Attorney's Office
14 for the District of Nevada, the United States Drug Enforcement Administration, their
15 agencies, their agents, and their employees from any claim made by her or any third party
16 arising from the facts and circumstances of this case.

17 18. Bobby Jo Kissel knowingly and voluntarily releases and forever discharges the
18 United States, the United States Department of Justice, the United States Attorney's Office
19 for the District of Nevada, the United States Drug Enforcement Administration, their
20 agencies, their agents, and their employees from any and all claims, rights, or causes of
21 action of any kind that Bobby Jo Kissel now has or may hereafter have on account of, or in
22 any way growing out of, the seizures and the forfeitures of the property in the abandonment,
23 the civil administrative forfeitures, the civil judicial forfeitures, and the criminal forfeitures.

24 19. Each party acknowledges and warrants that its execution of the Stipulation is
25 free and is voluntary.

26 20. The Stipulation contains the entire agreement between the parties.

27 21. Except as expressly stated in the Stipulation, no party, officer, agent,
28 employee, representative, or attorney has made any statement or representation to any other

1 party, person, or entity regarding any fact relied upon in entering into the Stipulation, and
2 no party, officer, agent, employee, representative, or attorney relies on such statement or
3 representation in executing the Stipulation.

4 22. The persons signing the Stipulation warrant and represent that they have full
5 authority to execute the Stipulation and to bind the persons and/or entities, on whose behalf
6 they are signing, to the terms of the Stipulation.

7 23. This Stipulation shall be construed and interpreted according to federal
8 forfeiture law and federal common law. The jurisdiction and the venue for any dispute
9 related to, and/or arising from, this Stipulation is the unofficial Northern Division of the
10 United States District Court for the District of Nevada, located in Reno, Nevada.

11 24. Each party shall bear her or its own attorneys' fees, expenses, interest, and
12 costs.

13 25. This Stipulation shall not be construed more strictly against one party than
14 against the other merely by virtue of the fact that it may have been prepared primarily by
15 counsel for one of the parties; it being recognized that both parties have contributed
16 substantially and materially to the preparation of this Stipulation.

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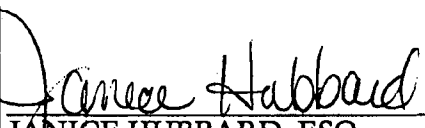
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1 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was
2 reasonable cause for the seizure and forfeiture of the property.

3 DATED: 9/11/2019

4 Law Office of Janice Hubbard


5
6 
7 JANICE HUBBARD, ESQ.
8 Counsel for Bobby Jo Kissel

9 DATED: 9.11.19


10 
11 BOBBY JO KISSEL

DATED: 9/16/19

NICHOLAS A. TRUTANICH
United States Attorney


DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

12
13
14 IT IS SO ORDERED:

15
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17 
18 UNITED STATES DISTRICT JUDGE

19 DATED: September 18, 2019
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